

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

MORRIS ESKWITT

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU - 1176

Decision No. CU - 4329

PROPOSED DECISION

Claimant, MORRIS ESKWITT, who owned First Mortgage bonds and First Lien and Refunding bonds issued by the Cuba Railroad Company, asserts a claim under Title V of the International Claims Settlement Act of 1949, as amended, against the Government of Cuba because of its nationalization of said Company.

In our decisions entitled the Claim of Joseph Gans (Claim No. CU-1720) and Claim of Albert I. Harris (Claim No. CU-2398) which we incorporate herein by reference, we held that the properties of the Railroad were nationalized or otherwise taken by the Government of Cuba on October 13, 1960, and that this type of claim is compensable to an American national under the facts and conditions set forth therein. We need not again detail here the reasons or the method used in determining the value per \$1,000 First Mortgage bond as \$492.86 including interest to October 13, 1960 and the value per \$1,000 First Lien and Refunding bond as \$682.56 including interest to October 13, 1960.

On the basis of evidence in the record in the instant case, the Commission finds that this claimant comes within the terms of the Gans and Harris decisions; that he was an American national at the requisite times; that he has been the owner of five First Mortgage bonds and ten First Lien and Refunding bonds issued by the Cuba Railroad Company since prior to October 13, 1960; and that he suffered a loss in the amount of \$9,289.90 within the meaning of Title V of the Act. Further, the Commission finds that the amount of loss sustained shall be increased by interest thereon at the rate of 6% per annum from October 13, 1960, the date of loss, to the date on which provisions are

made for the settlement thereof. (See Gans, supra.)

CERTIFICATION OF LOSS

The Commission certifies that MORRIS ESKWITT suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Nine Thousand Two Hundred Eighty-Nine Dollars and Ninety Cents (\$9,289.90 ) with interest at 6% per annum from October 13, 1960 to the date of settlement.

Dated at Washington, D. C.,  
and entered as the Proposed  
Decision of the Commission

7 JAN 1970

*Theodore Jaffe*  
Theodore Jaffe, Commissioner

*Sidney Freidberg*  
Sidney Freidberg, Commissioner

NOTICE TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, may have been returned; accordingly, no payment should be made until claimant establishes retention of the securities for the loss here certified.

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)

CU-1176